

## CHAPTER 56

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**GOVERNMENT - STATE**

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**HOUSE BILL 01-1138**

BY REPRESENTATIVE(S) Cadman, Hodge, Paschall, Stafford, White, and Young;  
also SENATOR(S) Phillips, Evans, Hernandez, Matsunaka, May, Taylor, and Teck.

**AN ACT**

CONCERNING STATE INFORMATION TECHNOLOGY GOVERNANCE.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 24-30-1603 (3) (a), Colorado Revised Statutes, is amended to read:

**24-30-1603. Functions of the GGCC.** (3) (a) IN ACCORDANCE WITH RULES, STANDARDS, PROCEDURES, AND POLICIES ADOPTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL PURSUANT TO SECTION 24-71.1-110, the GGCC shall adopt AND IMPLEMENT standards, policies, and procedures for the use of electronic or digital signatures by governmental agencies where use of electronic or digital signatures is expressly authorized by law. THE EXECUTIVE DIRECTOR SHALL, PRIOR TO THE ADOPTION OF ANY RULES, STANDARDS, PROCEDURES, OR POLICIES FOR THE USE OF ELECTRONIC OR DIGITAL SIGNATURES BY GOVERNMENTAL AGENCIES, COORDINATE WITH THE OFFICE OF INNOVATION AND TECHNOLOGY AND THE COMMISSION ON INFORMATION MANAGEMENT ON THE DEVELOPMENT OF SUCH RULES, STANDARDS, PROCEDURES, AND POLICIES.

**SECTION 2.** 24-30-1604 (1) (b), Colorado Revised Statutes, is amended to read:

**24-30-1604. Powers of the executive director - penalty for breach of confidentiality.** (1) In order to perform the functions and duties of the GGCC as set forth in this part 16 and in articles 71 and 71.1 of this title, the executive director of the department of personnel shall exercise the following powers:

(b) IN ACCORDANCE WITH THE POLICIES, STANDARDS, SPECIFICATIONS, AND GUIDELINES FORMULATED AND PROMULGATED PURSUANT TO SECTION 24-37.5-106 (1) (c) BY THE CHIEF TECHNOLOGY OFFICER OF THE OFFICE OF INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR, to adopt such rules and

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

regulations as may be necessary to carry out the purposes and provisions of this part 16, article 71 of this title regarding digital or electronic signatures, and article 71.1 of this title regarding government electronic transactions;

**SECTION 3.** 24-37.5-106 (1) (c), (1) (e), (1) (i), and (1) (j), Colorado Revised Statutes, are amended, and the said 24-37.5-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-37.5-106. Chief technology officer - duties and responsibilities.** (1) The chief technology officer shall:

(c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL AND THE COMMISSION ON INFORMATION MANAGEMENT, COORDINATE AND direct the formulation and promulgation of policies, standards, specifications, and guidelines for communication and information resources, communication and information resources technologies, and data processing in state agencies, including, but not limited to, those required to support state and local government exchange, acquisition, storage, use, sharing and distribution of geographic or base map data and related technologies and concerning the development of electronic transactions including the use of electronic signatures as specified in law;

(e) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL AND THE COMMISSION ON INFORMATION MANAGEMENT, COORDINATE AND direct the development of policies and procedures for the effective management of technology investments throughout their entire life cycle, including, but not limited to, project definition, procurement, development, implementation, operation, performance evaluation, and enhancement or retirement;

(i) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL AND THE COMMISSION ON INFORMATION MANAGEMENT, COORDINATE AND direct the establishment of statewide standards for the efficient exchange of electronic information and technology, including infrastructure, between the public and private sectors in the state;

(j) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, evaluate the feasibility of outsourcing communication and information resources and data processing resources and services and outsource those resources and services that would be beneficial to the state.

(2) THE CHIEF TECHNOLOGY OFFICER SHALL DESIGNATE A CHIEF INFORMATION OFFICER FOR THE STATE. THE CHIEF INFORMATION OFFICER SHALL HAVE SUCH DUTIES AND RESPONSIBILITIES AS MAY BE ASSIGNED BY THE CHIEF TECHNOLOGY OFFICER. ALL POWERS AND AUTHORITY GRANTED TO THE CHIEF TECHNOLOGY OFFICER MAY BE EXERCISED BY THE CHIEF INFORMATION OFFICER IN THE ABSENCE OF THE CHIEF TECHNOLOGY OFFICER OR IF THE CHIEF TECHNOLOGY OFFICER FOR ANY REASON IS UNABLE TO PERFORM THE REQUIRED DUTIES.

**SECTION 4.** 24-37.5-201 (2) (a) (III) and (3), Colorado Revised Statutes, are amended to read:

**24-37.5-201. Commission on information management - creation -**

**membership.** (2) (a) There is hereby created in the office of innovation and technology the commission on information management, which shall consist of seventeen members and shall be constituted as follows:

(III) The remaining five members shall be the chief technology officer OR THE CHIEF INFORMATION OFFICER IF SO DESIGNATED BY THE CHIEF TECHNOLOGY OFFICER, THE DIRECTOR OF THE OFFICE OF STATE PLANNING AND BUDGETING, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, the executive ~~directors~~ DIRECTOR of ~~three~~ ONE principal ~~departments~~ DEPARTMENT, which ~~departments~~ DEPARTMENT shall be designated by the governor, and the state court administrator.

(3) The commission chair shall be the chief technology officer OR THE CHIEF INFORMATION OFFICER IF SO DESIGNATED BY THE CHIEF TECHNOLOGY OFFICER, and the vice-chair shall be a private sector member of the commission appointed by the governor.

**SECTION 5.** 24-71.1-110 (1) (a), Colorado Revised Statutes, is amended to read:

**24-71.1-110. Technical standards - rules.** (1) (a) The director shall adopt rules, standards, procedures, and policies for the use of electronic records and electronic signatures by public entities. THE DIRECTOR SHALL, PRIOR TO THE ADOPTION OF ANY RULES, STANDARDS, PROCEDURES, OR POLICIES FOR THE USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES BY PUBLIC ENTITIES, COORDINATE WITH THE CHIEF TECHNOLOGY OFFICER IN THE OFFICE OF INNOVATION AND TECHNOLOGY AND THE COMMISSION ON INFORMATION MANAGEMENT ON THE DEVELOPMENT OF THOSE RULES, STANDARDS, PROCEDURES, AND POLICIES. If appropriate, those standards, policies, and procedures must specify differing levels of security from which public entities may choose in implementing the most appropriate standard for a particular application.

**SECTION 6.** 25-3.5-401 (2) (a), Colorado Revised Statutes, is amended to read:

**25-3.5-401. Responsibility for coordination.** (2) (a) The ~~division of telecommunications in the~~ department of personnel, in consultation with the ~~department~~ OFFICE OF INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR, shall coordinate the telecommunications subsystem with the existing state telecommunications network to the extent possible.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 23, 2001